

HOUSE BILL NO. 321

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/26/00

Referred: Health, Education and Social Services, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the confidentiality of investigations, court hearings, and court
2 and public agency information in child in need of aid matters; relating to
3 immunity regarding disclosure of information in child in need of aid matters;
4 amending Rules 3 and 22, Alaska Rules of Child in Need of Aid; and providing
5 for an effective date."

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new
8 section to read:

9 FINDINGS AND INTENT. (a) The legislature finds that

10 (1) public knowledge of, access to, and oversight of the child protection system
11 are important to the success of and public confidence in that system;

12 (2) records of the child protection system made by state agencies and the court
13 historically have been held strictly confidential and not accessible by the public;

1 (3) federal law, which provides substantial financing for the child protection
2 system in this state, has embodied this historical preference for confidentiality of those
3 records;

4 (4) greater access to information about the child protection system will allow
5 the public to make more informed judgments about the performance of government agencies
6 responsible for the protection of children in this state;

7 (5) a limited relaxation of the state confidentiality laws will provide important
8 information to the public while ensuring that the privacy rights of the children involved and
9 their families are not infringed;

10 (6) at least one state has changed its procedures to achieve these important
11 goals, and federal financial sanctions have not been imposed; and

12 (7) it is appropriate for the State of Alaska to change its state policy to
13 recognize these important public interests and to advocate for changes in federal law that
14 would allow for greater public access to records and proceedings of the child protection
15 system in this state.

16 (b) It is the intent of the legislature that this Act should be construed to allow wider
17 access to the public to certain records and hearings of the child protection system

18 (1) without jeopardizing the receipt of federal money important to the
19 successful operation of that system; and

20 (2) consistent with respecting the important privacy rights of the children
21 involved and their families recognized in art. 1, sec. 22, Constitution of the State of Alaska.

22 * **Sec. 2.** AS 47.10.070(a) is amended to read:

23 (a) The court may conduct the hearing on the petition in an informal manner.
24 The court shall give notice of the hearing to the department, and it may send a
25 representative to the hearing. The court shall also transmit a copy of the petition to
26 the department. The department shall send notice of the hearing to the persons for
27 whom notice is required under AS 47.10.030(b). The department and the persons to
28 whom the department must send notice of the hearing are entitled to be heard at the
29 hearing. **Except as provided in (c) of this section, a hearing is open to the public**
30 **unless prohibited by federal or state statute or regulation, or court order or court**
31 **rule** [HOWEVER, THE COURT MAY LIMIT THE PRESENCE OF THE FOSTER

1 PARENT OR OTHER OUT-OF-HOME CARE PROVIDER TO THE TIME DURING
 2 WHICH THE PERSON'S TESTIMONY IS BEING GIVEN IF IT IS (1) IN THE
 3 BEST INTEREST OF THE CHILD; OR (2) NECESSARY TO PROTECT THE
 4 PRIVACY INTERESTS OF THE PARTIES AND WILL NOT BE DETRIMENTAL
 5 TO THE CHILD. THE PUBLIC SHALL BE EXCLUDED FROM THE HEARING,
 6 BUT THE COURT, IN ITS DISCRETION, MAY PERMIT INDIVIDUALS TO
 7 ATTEND A HEARING IF THEIR ATTENDANCE IS COMPATIBLE WITH THE
 8 BEST INTERESTS OF THE CHILD].

9 * **Sec. 3.** AS 47.10.070 is amended by adding new subsections to read:

10 (c) Except as provided in (e) of this section, the following hearings are closed
 11 to the public:

12 (1) the initial hearing before the court after a petition is filed;

13 (2) a hearing following the initial hearing in which a parent, child, or
 14 other party to the case has not had an opportunity to obtain legal representation;

15 (3) a hearing, or a part of a hearing, for which the court issues a
 16 written order finding that allowing the hearing, or part of the hearing, to be open to
 17 the public would reasonably be expected to

18 (A) stigmatize or be emotionally damaging to a child;

19 (B) inhibit a child's testimony in that hearing;

20 (C) disclose matters otherwise required to be kept confidential
 21 by state or federal statute or regulation, or court order or rule; or

22 (D) interfere with a criminal investigation or proceeding or a
 23 criminal defendant's right to a fair trial in a criminal proceeding; before ruling
 24 on a request under this subparagraph, the court shall give notice and an
 25 opportunity to be heard to the state or municipal agency that is assigned to the
 26 criminal investigation or proceeding.

27 (d) If a hearing, or part of a hearing, is not closed under (c) of this section, the
 28 court shall hear in camera any information offered regarding the location, or readily
 29 leading to the location, of a parent, child, or other party to the case who is a victim
 30 of domestic violence. Access to testimony heard in camera under this subsection is
 31 limited to the court and authorized court personnel.

1 (e) The foster parents or other out-of-home care provider may attend hearings
2 that are otherwise closed to the public under (c) of this section. However, the court
3 may limit the presence of the foster parents or other out-of-home care provider in a
4 hearing closed to the public to the time during which the person's testimony is being
5 given if it is (1) in the best interest of the child; or (2) necessary to protect the privacy
6 interests of the parties and will not be detrimental to the child.

7 * **Sec. 4.** AS 47.10.080 is amended by adding a new subsection to read:

8 (t) Hearings conducted under this section are open to the public unless an
9 exception provided in AS 47.10.070(c) applies to make the hearing closed to the
10 public.

11 * **Sec. 5.** AS 47.10.088 is amended by adding a new subsection to read:

12 (l) Trial or hearings conducted under this section are open to the public unless
13 an exception provided in AS 47.10.070(c) applies to make the trial or hearing closed
14 to the public.

15 * **Sec. 6.** AS 47.10.090 is repealed and reenacted to read:

16 **Sec. 47.10.090. Court records.** (a) The court shall make and keep records
17 of all cases brought before it. The court shall keep confidential the documents and
18 information contained in the record of a case in a manner such that documents and
19 information that are subject to public disclosure are readily accessible for that purpose
20 and that confidential documents are protected from inadvertent disclosure. A record
21 that contains some confidential information is subject to release for public inspection
22 so long as the confidential information can be redacted and the remaining information
23 supplied to the requestor.

24 (b) The documents or information contained in the record of a case brought
25 under this chapter are subject to public disclosure unless the release is prohibited by
26 state or federal statute or regulation, or court order or rule. A party to a case may
27 request the court to issue an order to make confidential any part of the file that is
28 releasable to the public, upon showing that the release would cause the harm described
29 in AS 47.10.070(c)(3). The court may seal the request, and consider the request in
30 camera, if the court finds that the need for confidentiality outweighs the need for
31 access to the documents or information by the public.

1 (c) Unless the court has sealed the request under (b) of this section, a member
2 of the public has a right to be served with any request for confidentiality made under
3 (b) of this section if the member files a notice in the case with the court and serves
4 the parties to the case. After a notice has been filed under this section, the court may
5 not rule on a request under (b) of this section that has not been sealed until the
6 requestor has also provided notice of the request to the member of the public who filed
7 notice and the requestor has filed an affidavit with the court documenting that the
8 required service has been made. The court may waive the service on the member of
9 the public required under this subsection if a request for confidentiality under (b) of
10 this section is made immediately before or during the hearing and the court finds that

11 (1) the need for closure was not reasonably foreseeable sufficiently in
12 advance of the hearing to achieve notice;

13 (2) there is good cause not to delay the hearing in order to achieve
14 notice, taking into consideration the age of the child and the potential adverse effect
15 that a delay could have on the child; and

16 (3) whatever notice is practicable under the circumstances has occurred.

17 (d) Recordings of a hearing closed to the public under AS 47.10.070(c)(1) or
18 (2) are releasable and subject to inspection by the public three working days after the
19 hearing is completed, unless the court makes specific written findings that inspection
20 by the public would cause harm as described in AS 47.10.070(c)(3).

21 (e) Notwithstanding any contrary provision of this section, the name or picture
22 of a child under the jurisdiction of the court, or other information that would readily
23 lead to the identification of the child, may not be made public in connection with the
24 child's status as a child in need of aid unless authorized by order of the court. This
25 subsection does not prohibit the release of aggregate information for statistical or
26 informational purposes.

27 (f) The court's official records that are confidential under this chapter may be
28 inspected only with the court's permission and only by persons having a legitimate
29 interest in them. A foster parent is considered to have a legitimate interest in those
30 portions of the court's records that required the court's permission for inspection
31 relating to a child who is placed by the department with the foster parent or who the

1 department proposes for placement with the foster parent.

2 (g) Within 30 days after the date of a child's 18th birthday or, if the court
3 retains jurisdiction of a child past the child's 18th birthday, within 30 days after the
4 date on which the court releases jurisdiction over the child, the court shall order all the
5 court's official records that are confidential pertaining to that child in a proceeding
6 under this chapter sealed. A person may not use these sealed records for any purpose
7 except that the court may order their use for good cause shown.

8 * **Sec. 7.** AS 47.10 is amended by adding a new section to read:

9 **Sec. 47.10.091. Confidential court records.** In addition to other protections
10 for documents and records contained in state or federal statute or regulation, and court
11 orders and rules, the following documents or information contained in the court's
12 official records of a case brought under this chapter and kept under AS 47.10.090 are
13 confidential and prohibited from being released to the public absent authorization by
14 the court under AS 47.10.090(e) - (g):

15 (1) an emergency petition; such a petition is subject to public disclosure
16 three working days after the initial hearing on the emergency custody petition is
17 completed unless the court makes specific written findings that inspection by the public
18 would cause harm as described in AS 47.10.070(c)(3) or (d);

19 (2) unless the release is authorized under AS 47.10.090(d), recordings
20 or other court records of a hearing closed to the public;

21 (3) health and medical records, including records relating to the
22 diagnosis, evaluation, and treatment of a physical or mental condition; for purposes of
23 this paragraph, "a physical or mental condition" includes chemical abuse;

24 (4) any information identifying a reporter of abuse or neglect under this
25 chapter, unless names and other identifying information of the reporter of the abuse
26 or neglect are redacted; if this information is redacted, the restrictions of the paragraph
27 do not apply;

28 (5) treatment reports by agencies providing services to family members
29 under this chapter;

30 (6) any information identifying, or readily leading to the identification
31 of, a victim of an alleged or adjudicated sexual abuse or sexual assault;

1 (7) any report, including attachments to it, submitted to the court by a
2 party to aid the court in its determinations under this chapter;

3 (8) audio tapes, video tapes, or written information submitted to the
4 court from the agency, except to the extent that the information is otherwise accessible
5 to the public;

6 (9) information regarding the location or, readily leading to the location
7 of, a parent, child, or other party to the case who is a victim of domestic violence;

8 (10) any information identifying, or readily leading to the identification
9 of, a confidential source of information in a criminal investigation or prosecution.

10 * **Sec. 8.** AS 47.10.092(a) is amended to read:

11 (a) Notwithstanding AS 47.10.090, 47.10.091, and 47.10.093, a parent or legal
12 guardian of a child subject to a proceeding under AS 47.10.005 - 47.10.142 may
13 disclose confidential or privileged information about the child or the child's family,
14 including information that has been lawfully obtained from agency or court files, to
15 the governor, the lieutenant governor, a legislator, the ombudsman appointed under AS
16 24.55, the attorney general, and the commissioners of health and social services,
17 administration, or public safety, or an employee of these persons, for review or use in
18 their official capacities. The department shall disclose additional confidential or
19 privileged information and make copies of documents available for inspection about
20 the child or the child's family to these state officials or employees for review or use
21 in their official capacities upon request of the official or employee and submission of
22 satisfactory evidence that a parent or legal guardian of the child has requested the state
23 official's assistance in the case as part of the official's duties. A person to whom
24 disclosure is made under this section may not disclose confidential or privileged
25 information about the child or the child's family to a person not authorized to receive
26 it.

27 * **Sec. 9.** AS 47.10.093(b) is amended to read:

28 (b) A state or municipal agency or employee shall disclose appropriate
29 confidential information regarding a case to

30 (1) a guardian ad litem appointed by the court or to a citizen review
31 board or local review panel for permanency planning authorized by AS 47.14.200 or

1 47.14.220;

2 (2) a person or an agency requested by the department or the child's
3 legal custodian to provide consultation or services for a child who is subject to the
4 jurisdiction of the court under AS 47.10.010 as necessary to enable the provision of
5 the consultation or services;

6 (3) foster parents or relatives with whom the child is placed by the
7 department as may be necessary to enable the foster parents or relatives to provide
8 appropriate care for the child who is the subject of the case, to protect the safety of
9 the child who is the subject of the case, and to protect the safety and property of
10 family members and visitors of the foster parents or relatives;

11 (4) school officials as may be necessary to enable the school to provide
12 appropriate counseling and support services to the child who is the subject of the case,
13 to protect the safety of the child who is the subject of the case, and to protect the
14 safety of school students and staff;

15 (5) a governmental agency as may be necessary to obtain that agency's
16 assistance for the department in its investigation or to obtain physical custody of a
17 child;

18 (6) a law enforcement agency of this state or another jurisdiction as
19 may be necessary for the protection of any child or for actions by that agency to
20 protect the public safety;

21 (7) members of a multidisciplinary child protection team created under
22 AS 47.14.300 as may be necessary for the performance of their duties;

23 (8) the state medical examiner under AS 12.65 as may be necessary for
24 the performance of the duties of the state medical examiner;

25 (9) a person who has made a report of harm as required by
26 AS 47.17.020 to inform the person that the investigation was completed and of action
27 taken to protect the child who was the subject of the report; [AND]

28 (10) the child support enforcement agency established in AS 25.27.010
29 as may be necessary to establish and collect child support for a child who is a child
30 in need of aid under this chapter; or

31 (11) except as provided in (n) of this section, the public when a

child

(A) has died and the child's death resulted from abuse or neglect of the child;

(B) has died and the child was in the custody of the department at, or within 12 months of, the date of death of the child; or

(C) has been abused or neglected, and the abuse or neglect has resulted in the child's near fatality.

* **Sec. 10.** AS 47.10.093(c) is repealed and reenacted to read:

(c) A state or municipal law enforcement agency shall disclose confidential information regarding a case that is needed by the person or agency charged with making a preliminary investigation for the information of the court under AS 47.10.020.

* **Sec. 11.** AS 47.10.093(f) is amended to read:

(f) The department may release to a person with a legitimate interest **confidential** information relating to minors not subject to the jurisdiction of the court under AS 47.10.010. [THE DEPARTMENT SHALL ADOPT REGULATIONS GOVERNING THE RELEASE OF INFORMATION AND IDENTIFYING A SUFFICIENT LEGITIMATE INTEREST.]

* **Sec. 12.** AS 47.10.093(g) is amended to read:

(g) The department and affected law enforcement agencies shall work with school districts and private schools to develop procedures for the disclosure of **confidential** information to school officials under (b)(3) of this section. The procedures must provide a method for informing the principal or the principal's designee of the school the student attends as soon as it is reasonably practicable.

* **Sec. 13.** AS 47.10.093 is amended by adding new subsections to read:

(k) The department may adopt regulations to implement and interpret its duties under this section, including regulations governing the release of confidential information and identifying a sufficient legitimate interest under (f) of this section.

(l) When the parent or guardian of the child who is the subject of a report of abuse or neglect has made a public disclosure concerning the department's involvement with the family, the department may respond to the public disclosure made by the

1 parent or guardian.

2 (m) The department may disclose appropriate confidential information
3 regarding a case to the public when the alleged perpetrator named in the report of
4 abuse or neglect has been charged with a crime concerning the alleged abuse or
5 neglect. The only type of information that may be publicly disclosed under this
6 subsection is information related to the determination, if any, made by the department
7 regarding the validity of a report of abuse or neglect of the child and the department's
8 activities arising out of the event that forms the basis of that criminal charge. The
9 department may withhold the disclosure of the information described in this section
10 if the disclosure would reasonably be expected to interfere with a criminal
11 investigation or proceeding or a criminal defendant's right to a fair trial in a criminal
12 proceeding.

13 (n) Under (b)(11) of this section, the department may withhold disclosure of

14 (1) the child's name, picture, or other information that would readily
15 lead to the identification of the child if the department determines that such a
16 disclosure would be contrary to the best interests of the child, child's siblings, or other
17 children in the child's household; or

18 (2) information that would reasonably be expected to interfere with a
19 criminal investigation or proceeding or a criminal defendant's right to a fair trial in a
20 criminal proceeding.

21 (o) Except for disclosures made under (b)(11), (l), or (m) of this section, a
22 person to whom disclosure is made under this section may not disclose confidential
23 or privileged information about the child or the child's family to a person not
24 authorized to receive it.

25 * **Sec. 14.** AS 47.10 is amended by adding a new section to read:

26 **Sec. 47.10.094. Immunity from liability.** A person may not bring an action
27 for damages based on a decision by the state or the department or the officers or
28 employees of those entities to disclose information that the state or the department or
29 the officers or employees of those entities had good cause to believe was allowed or
30 required to be disclosed under this chapter.

31 * **Sec. 15.** AS 47.10.990 is amended by adding a new paragraph to read:

1 (28) "near fatality" means that the child was placed in serious or critical
2 condition as a result of an act or omission, as certified by a physician.

3 * **Sec. 16.** AS 47.14.260(a) is amended to read:

4 (a) Notwithstanding AS 47.10.090, 47.10.091, and 47.10.093, at the request of
5 a local review panel, the department, a municipality, the child's guardian ad litem, and
6 the court shall furnish to the local review panel relevant **confidential and other**
7 records concerning a child and the child's family who are the subjects of a local panel
8 review. At the conclusion of a review, all copies of records provided to a local review
9 panel under this section shall be returned to the staff that serves the local review panel
10 or to the agency from which the original copy was obtained unless the local review
11 panel members need the copies to prepare the reports required under AS 47.14.240(g) -
12 (i). Copies retained for preparation of the reports shall be returned to the staff that
13 serves the local review panel or to the originating agency upon completion of the
14 reports. Notwithstanding AS 44.62.310, records and reports of the local review panel,
15 testimony before the local review panel, and deliberations of the local review panel are
16 confidential [UNDER AS 47.10.090].

17 * **Sec. 17.** AS 47.17.040 is amended by adding a new subsection to read:

18 (c) Notwithstanding (b) of this section, the department may release a summary
19 of the information contained in a report of harm filed under this chapter if the
20 summary does not contain the name, picture, or other information that would readily
21 lead to the identification of the following persons:

- 22 (1) the person who made the report of harm;
23 (2) the child who is the subject of the report of harm;
24 (3) the child's parents and siblings, and other members of the child's
25 household;
26 (4) the alleged perpetrator of the harm.

27 * **Sec. 18.** The uncodified law of the State of Alaska is amended by adding a new section
28 to read:

29 **DIRECT COURT RULE AMENDMENT.** Rule 3(c), Alaska Child in Need of Aid
30 Rules of Procedure, is amended to read:

31 (c) **Presence of Foster Parent.** A foster parent or other out-of-home care

1 provider is entitled to be heard at any hearing at which the person is present.
 2 However, the court may limit the presence of the foster parent or care provider **in a**
 3 **hearing that has been closed to the public under subparagraph (f)(2) of this rule**
 4 to the time during which the person's testimony is being given if it is (1) in the best
 5 interest of the child; or (2) necessary to protect the privacy interests of the parties and
 6 will not be detrimental to the child.

7 * **Sec. 19.** The uncodified law of the State of Alaska is amended by adding a new section
 8 to read:

9 DIRECT COURT RULE AMENDMENT. Rule 3(f), Alaska Child in Need of Aid
 10 Rules of Procedure, is repealed and reenacted to read:

11 (f) **General Public Access to Hearings.**

12 (1) Except as provided in (2) of this paragraph, hearings are open to
 13 the public unless prohibited by federal or state statute or regulation, or court order or
 14 other court rule.

15 (2) The following hearings are closed to the public:

16 (A) the initial hearing before the court after a petition is filed;

17 (B) a hearing following the initial hearing in which a parent,
 18 child, or other party to the case has not had an opportunity to obtain legal
 19 representation;

20 (C) a hearing, or a part of a hearing, for which the court issues
 21 a written order finding that allowing the hearing, or part of the hearing, to be
 22 open to the public would reasonably be expected to stigmatize or be
 23 emotionally damaging to a child; inhibit a child's testimony in the hearing;
 24 disclose matters otherwise required to be kept confidential by state or federal
 25 statute or regulation, or court order or rule; or interfere with a criminal
 26 investigation or proceeding or a criminal defendant's right to a fair trial in a
 27 criminal proceeding.

28 (3) Before ruling on a request under (2)(C) of this paragraph
 29 concerning potential interference with a criminal investigation or proceeding, the court
 30 shall give notice and an opportunity to be heard to the state or a municipal agency that
 31 is assigned to the criminal investigation or proceeding.

1 (4) If the court closes a hearing to the public under (2)(C) of this
2 paragraph, the court shall only close the portions of the hearing necessary to prevent
3 the potential harm listed in (2)(C) of this paragraph. If a hearing, or part of a hearing,
4 is open to the public, the court shall hear in camera any information offered regarding
5 the location, or readily leading to the location, of a parent, child, or party to the case
6 who is a victim of domestic violence. Access to testimony heard in camera under this
7 subparagraph is limited to the court and authorized court personnel.

8 (5) Notwithstanding any other provision of this rule, the court shall
9 issue an order to prohibit all persons in a hearing open to the public from providing
10 to any person the names, pictures, and other information that would readily lead to the
11 identification of a child who is the subject of the proceeding. If a person violates the
12 order, the court may impose any appropriate sanction, including contempt and closure
13 of any further hearings in the proceeding.

14 (6) A party to the proceeding may move the court to close to the public
15 a hearing, or part of the hearing, to avoid the harm specified in (2)(C) of this
16 paragraph. A member of the public may give notice to the court in a proceeding
17 requesting to be served with a motion filed under this subparagraph. If such a notice
18 has been filed in advance of the filing of the motion, the party filing the motion must
19 also serve the member of the public who requested notice under this subparagraph.
20 The court may waive the service required under this subparagraph to a member of the
21 public if a motion to close the hearing, or part of the hearing, is made under this
22 subparagraph immediately before or during the hearing and the court finds that

23 (A) the need for closure was not reasonably foreseeable
24 sufficiently in advance of the hearing to achieve notice;

25 (B) there is good cause not to delay the hearing in order to
26 achieve notice, taking into consideration the age of the child and the potential
27 adverse effect that a delay could have on the child; and

28 (C) whatever notice is practicable under the circumstances has
29 occurred.

30 * **Sec. 20.** The uncodified law of the State of Alaska is amended by adding a new section
31 to read:

1 DIRECT COURT RULE AMENDMENT. Rule 22, Alaska Child in Need of Aid
2 Rules of Procedure, is amended to read:

3 Rule 22. **Confidentiality.**

4 (a) **Confidentiality of Records.** The records of a child in need of aid
5 proceeding are **open for public inspection unless they are confidential by federal**
6 **or state statute or regulation, or court order or rule** [CONFIDENTIAL]. Only
7 parties and their attorneys may have access to the **confidential information in the**
8 court file except as otherwise authorized by statute or court order for good cause
9 shown. Parties and their attorneys shall maintain the confidentiality of all **confidential**
10 **information in the court's file.** Other persons authorized access to the **confidential**
11 **information in the** file are subject to such conditions as the court may set with notice
12 to the parties.

13 (b) **Foster Parent's Right to Review.** A foster parent may have access to
14 **confidential information in the** court records relating to a child whom the Department
15 has placed with the foster parent or whom the Department proposes for placement.
16 When a case involves more than one child, but the foster parent does not have custody
17 of all the children in the case, the foster parent may have access only to those
18 **confidential** portions of the court records that relate to the child whom the Department
19 has place or proposed for placement with the foster parent. The foster parent must
20 maintain the confidentiality of all **confidential** parts of the record. For purposes of
21 this rule, "foster parent" includes current and proposed foster parents.

22 (c) **Child's Name, [OR] Picture, or Identifying Information.** The name or
23 picture of a child, **or other information that would readily lead to the identification**
24 **of the child,** who is the subject of a CINA proceeding may not be made available to
25 the public unless authorized by court order accompanied by a written statement reciting
26 the circumstances which support such authorization.

27 * **Sec. 21.** The uncodified law of the State of Alaska is amended by adding a new section
28 to read:

29 NOTICE OF COURT RULE CHANGES. Sections 2 - 8 of this Act take effect only
30 if secs. 18 - 20 of this Act receive the two-thirds majority vote of each house required by
31 art. IV, sec. 15, Constitution of the State of Alaska.

1 * **Sec. 22.** The uncodified law of the State of Alaska is amended by adding a new section
2 to read:

3 **FEDERAL ASSISTANCE.** If a provision of this Act regarding confidentiality of
4 hearings and records adversely affects the receipt of federal money or federal assistance and
5 there is a conflict between a provision of this Act and a federal statute or regulation, the
6 federal statute or regulation prevails.

7 * **Sec. 23.** The uncodified law of the State of Alaska is amended by adding a new section
8 to read:

9 **APPLICABILITY.** (a) This Act applies to all proceedings and hearings conducted on
10 or after the effective date of this Act.

11 (b) This Act applies to all information, records, and files created on or after the
12 effective date of this Act; however, if a file contains information and records that were created
13 before the effective date of this Act, the information and records retain the confidentiality
14 status that they had under the law on the day before the effective date of secs. 1 - 20 of this
15 Act.

16 * **Sec. 24.** The uncodified law of the State of Alaska is amended by adding a new section
17 to read:

18 **TRANSITION PROVISION: REGULATIONS.** The Department of Health and Social
19 Services may immediately proceed to adopt regulations necessary to implement the changes
20 made by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act),
21 but not before July 1, 2001.

22 * **Sec. 25.** The uncodified law of the State of Alaska is amended by adding a new section
23 to read:

24 **REPORT.** The governor shall issue a report, including any recommendations for
25 statutory changes, to the public and the legislature on the implementation of this Act by
26 December 1, 2002.

27 * **Sec. 26.** Section 24 of this Act takes effect immediately under AS 01.10.070(c).

28 * **Sec. 27.** Except as provided in sec. 26 of this Act, this Act takes effect July 1, 2001.